

## ANNEX B - LIST OF PARTICIPATING UNITS / EXPERTS

Host MS	Italy	Polizia di Stato Guardia di Finanza Guardia Costiera
Participating MS	France	National Police Customs
	Spain	National Police Guardia Civil
	Portugal	SEF Military Air Force
	Belgium	Federal Police
	Germany	Police
	Switzerland	Police
	The Netherland	Coast Guard Royal Marechaussee
	Austria	Police
	Hungary	Police
	Romania	Border Police Immigration Office
	Greece	Coast Guard
	Poland	Border Guard

## ANNEX D - ROLES AND TASKS

[REDACTED]

[REDACTED]

**Commented [BW1]:** The marked text contains details info on the Frontex operations means and methods, thus its disclosure could harm public security. In light of the above the text is not disclosed pursuant to the exception laid down in the first indent of Article 4(1)(a) of Regulation No 1049/2001 relating to the protection of the public interest as regards public security

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[REDACTED]

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**Comment** [REDACTED] The blanked text contains sensitive information regarding the operational and tactical details of the operation. Its disclosure would harm the course of future operations. In light of the above the text is not disclosed pursuant to the exception laid down in the first indent of Article 4(1)(a) of Regulation No 1049/2001 relating to the protection of the public interest as regards public security.

## Evaluation Report for Participants of the Joint Sea Operation

All participants of the joint operation (experts, national officers, commanding officers, crew members, ICC staff and etc) are kindly requested to fill in this questionnaire and to send it to the Project Team via email account [xxxxxxxxx@frontex.europa.eu](mailto:xxxxxxxxx@frontex.europa.eu) within 15 days after finalizing the deployment.

The aim of this questionnaire is not to evaluate the hosting MS, but to provide a feedback in order to support improving conditions for future operational activities.

Name:  
Country:  
Service:  
Contact details:  
Period and place of deployment:

### QUESTIONS

#### 1. Preparation:

Did you receive enough information about the Frontex Joint Operation?

Comments:

Do you feel that the authorities in your home country did a good job of preparing you for the subject matter of the Joint Operation?

Comments:

#### 2. Organization

Did the host country prepare the JO well?

Comments:

Did the JO last long enough to be effective?

Comments:

#### 3. Contents

Did you have clear goals for your deployment?

Comments:

Were these goals achieved?

Comments:

Were each day's tasks clearly thought out and expressed?

Comments:

Were you able to apply your professional knowledge and experience?

Comments:

Will you be able to apply the experience gained from this assignment to your regular service at your home agency?

Comments:

#### **4. Expert co-operation / communication**

Will the contacts made with officers from other countries be useful in your daily work?

Comments:

During the deployment communication with officers of the host Member State took place mainly in English. Did it cause any difficulties?

Comments:

During the JO, communication with officers from other participating Member States took place mainly in English. Did it cause any difficulties?

Comments:

How would you categorize the cooperation between you and Frontex representatives during the operation?

Comments:

#### **5. Evaluation**

In my opinion, the following processes / procedures in the area I learned about are especially effective:

Comments:

Was the coverage of the patrol area satisfactory?

Comments:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In my opinion, the following processes / procedures in the area I learned about need improvement (including suggestions, if possible):

Comments:

#### **6. Additional comments**

## ANNEX G - RECOMMENDED RULES OF ENGAGEMENT (ROE)

**Comment** [REDACTED] The blanked text contains sensitive information regarding the operational and tactical details of the operation. Its disclosure would harm the course of future operations. In light of the above the text is not disclosed pursuant to the exception laid down in the first indent of Article 4(1)(a) of Regulation No 1049/2001 relating to the protection of the public interest as regards public security

### General

These ROE do not affect the participant's rights and obligations under international law and nor under relevant domestic laws and shall be used only as a coordination tool during Frontex maritime operations.

In order to provide uniform training and planning capabilities, this document is authorized for distribution to EU MS/SAC at all levels and is to be used as fundamental guidance for training and directing their forces.

This instruction is approved for limited release.

The rules of engagement do not affect the participant's rights and obligations under international agreements and other instruments establishing international courts and tribunals, and relevant domestic laws and shall be used only as a coordination tool during Frontex maritime operations.

The prevention of loss of lives has overall priority in all operational actions

The security of the operational means and the safety of the crew should not be put into unnecessary risk

The patrols should monitor intensively of specific maritime areas against illegal migration on the basis of information provided by Frontex EU MS/SAC. The scope of these intensified patrols is to prevent illegal migrants from undetected landing in EU Member States.

### Safeguards

Where a MS takes measures against a vessel, it shall:

- (a) take due account for the strict respect for fundamental rights consigned in international laws and the boarding MS law and regulations;
- (b) take due account of the need not to endanger the safety of life at sea;
- (c) take due account of the safety and security of the vessel and its cargo;
- (d) not prejudice the national, commercial or legal interests of the Flag State;
- (e) ensure within available means, that any measure taken with regard to the vessel is environmentally sound under the circumstances;
- (f) ensure that the master of the vessel is, or has been, afforded at any time the opportunity to contact the vessel's Flag State, and, subject to preserving the safety and security of operations, is, or has been, afforded the opportunity to contact the vessel's owner or manager.

All reasonable efforts shall be taken to avoid a vessel being unduly detained or delayed.

**Exchange of Information.** To facilitate implementation of those ROE, each HMS, shall endeavor to ensure the other MS are appropriately informed of its respective applicable laws and practices, particularly those pertaining to the use of force.

To ensure MS concluding knowledge of Frontex - ROE - Frontex provides a basic training in these rules in cooperation with each HMS.

### Implementation of ROE - Measures against suspect vessels

Once a suspect vessel has been detected, it should be approached in order to observe its identity and nationality and, pending the adoption of any other appropriate measure, it should be surveyed at a prudent distance.

[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### **C. FOLLOW-UP MEASURES**

#### **1. PROVISION OF BASIC HUMAN NEEDS**

The Member State where disembarkation takes place shall, prior to any other action, render the basic human needs of the apprehended and rescued persons such as food, shelter and medical assistance. Special consideration shall be given to persons in particularly vulnerable situations and to minors.

#### **2. SCREENING AND STATUS ASSESSMENT**

The screening and status assessment of persons apprehended or rescued shall take place after disembarkation and the assistance has been provided to them.

#### **3. FOLLOW-UP MEASURES**

Upon disembarkation and following the adoption of measures referred to in paragraphs 1 and 2 above, apprehended persons in need for international shall be handed over to the competent authority of the Member State for an examination of their status.

### **Use of Force**

All uses of force pursuant to this Agreement shall be in strict accordance with the applicable laws and practices of the EU MS/SAC conducting the boarding and with applicable international law.

Each MS shall avoid the use of force except when and to the degree necessary to ensure the safety of their vessels (units), and where participants are obstructed in the execution of their duties.

Any use of force pursuant to this Article shall not exceed the minimum degree of force that is necessary, proportional and reasonable in the circumstances.

[REDACTED]

### **Nationality of vessels**

(a) A vessel must sail under the flag of one state only, and a vessel: "which sails under the flags of two or more States, using them according to convenience, may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a vessel without nationality;"

(b) A vessel is not prohibited to sailing without a flag, but if it does it can not invoke diplomatic protection for any international wrong it may have allegedly suffered. "In the interest of order on the open sea, a vessel not sailing under the maritime flag of a State enjoys no protection whatever, for the freedom of navigation on the open sea is freedom for such vessels only as sail under the flag of a State."

### **Right of Assistance Entry**

(a) Vessels, or under certain circumstances aircraft, have the right to enter a foreign territorial sea or archipelagic waters and corresponding airspace without the permission of the coastal or archipelagic state to engage in legitimate efforts to render emergency assistance to those in danger or distress from perils of the sea.

(b) Right of Assistance Entry extends only to rescues where the location of those in danger is reasonably well known. It does not extend to entering the territorial sea, archipelagic waters, or territorial airspace to conduct a search.

(c) For vessels and aircraft rendering assistance on scene, the right and obligation of self-defense extends to and includes persons, vessels, or aircraft being assisted. The right of self-defense in such circumstances does not include interference with legitimate law enforcement actions of a coastal State.

(d) Any operational activities in the territorial waters of a Member State that does not participate in the operation or of a third country should be conducted in accordance with the authorization and instructions of the coastal State. The coordination centre should be informed of any communication with the coastal State and of the subsequent course of action.

### **Vessel Boarding**

#### **Reasons for boarding**

The fundamental reason for conducting vessel boardings is to enforce all international maritime laws, particularly relating to immigration;

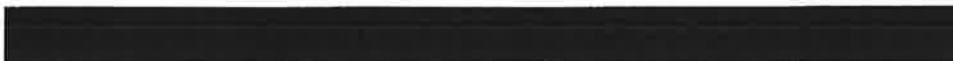
#### **Minimizing impact**

Boarding are conducted thoroughly but expeditiously so as to interfere as little as possible with legitimate voyages. Where there is a high probability of detecting unlawful conduct, or a need to increase the frequency of boarding in a given area and/or of particular vessel types, the possible negative impact on maritime commerce or potential ill will among the boating public is not a significant factor in boarding decisions. In other circumstances, however, impacts on maritime commerce and the boating public are considered carefully. Both groups have legitimate interests relating to oceans and waterways use, and the continuing support of both groups is important to the future effectiveness of Frontex maritime operations.

#### **Personnel conduct**

Boarding personnel are required to promote a positive impression of the service through outstanding appearance, professional conduct and competence.

#### **Boarding teams**



[REDACTED]

[REDACTED]

When an adequate number of qualified boarding personnel are not available to safely conduct a boarding, the following considerations are made:

- (a) postpone the boarding and call for additional personnel, or
- (b) postpone the boarding and escort the vessel to a location where the boarding may proceed safely and secure.

**Pre-boarding activity**

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### Boarding procedures

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Disposition of Seized Property**

[REDACTED]

**Cooperation and Assistance**

[REDACTED]

**Claims**

[REDACTED]

## **ANNEX H**

### **PRESS COMMUNICATION RULES**

#### **1. General**

All authorities involved in the execution of the JO Hermes 2011 will ensure full transparency of all actions undertaken.

Information given to the media cannot hamper the course of the operation.

National authorities sending border guards to JO Hermes 2011 should limit their public statements to the general objectives of the operation, numbers and profiles of experts sent.

Guest officers are allowed to talk to the media only within the limits set by specific guidelines for the participating officers below. Each team member taking part in the operation shall receive a laminated card with the specific guidelines.

A network of press offices of all involved authorities will be established. All contact details shall be sent to the [press@frontex.europa.eu](mailto:press@frontex.europa.eu) address.

A compiled list will be distributed to all parties involved.

#### **2. Rules of Engagement**

The communication strategy on the Border Control Operational Actions on the territory of Italy is common for Frontex and the Host Member State.

Press Offices of Frontex and Italian Authorities will be entirely responsible for coordination of all matters related to interview requests, press visits to the operational area and any other press-related matter related to JO Hermes 2011 in general, as well as on the ground.

Press Lines regarding joint border control operational issues and actions as well as specific incidents that might occur, are agreed by Frontex and Italian Authorities.

#### **3. Tasks of press offices**

Press visits to the JO Hermes 2011 will be organised by Italian authorities in cooperation with Frontex Information and Transparency.

The tasks of the press offices will include:

- Informing the media representatives on the Frontex mission and activities, as well as on the daily activities of JO Hermes 2011.
- Being the local Point of Contact for media requests.

- Handling requests by the media representatives in cooperation with Frontex Information and Transparency
- Arranging interviews with representatives of the Italian Authorities and with selected guest officers.
- Arranging filming opportunities, in close cooperation with the competent Italian Authorities for the representatives of TV channels.
- Media monitoring and analysis of media tendencies (neutral, positive, negative) in cooperation with respective authorities
- Drafting, reproducing, sending and distributing press releases, statements and other communication issues, according to the circumstances and in close cooperation with the competent Italian Authorities (Guardia Costiera, Guardia di Finanza, Polizia di Stato)
- Promoting the activities of JO Hermes 2011 and presenting the results of operation in the area.

#### **4. Management of Press Requests**

The communication strategy regarding the Frontex mission and activities in general is under the auspices of the Agency.

Given that journalists need to get authorisation from the Italian Authorities to visit the area, the following procedures must be kept:

- Individual and on-the-spot media requests must be directed to Frontex Information and Transparency and adequate Italian Authorities electronically.
- Both Frontex Information and Transparency and Italian authorities will inform each other about media representative requests on a regular basis.
- The Italian Authorities will directly coordinate the flow of national (Italian) press requests received and will inform Frontex Information and Transparency about the planned presence of these media in the operational area.
- The Italian Authorities will decide whether or not to authorise a journalist to visit the operational area. The Italian Authorities will inform the interested parties and Frontex Information and Transparency about the decision.
- The Italian Authorities will host the media representative. Media representatives will be asked to present their press credentials before participating in any patrolling activity

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**Commented [BW2]:** The marked parts contain detailed information on the analytical findings, risk assessment and recommendations and its disclosure would harm the course of future operations. In light of the above the text is not disclosed pursuant to the exception laid down in the first indent of Article 4(1)(a) of Regulation No 1049/2001 relating to the protection of the public interest as regards public security

Please refer the journalists to Frontex spokespeople for further details or call Frontex press office in case of doubt (you can also send an sms and we will call you back).

Ewa Moncure  
Press Officer  
Tel.: +48 22 544 9635  
e-mail : [press@frontex.europa.eu](mailto:press@frontex.europa.eu)

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Press Officer  
Tel.: +48 22 544 9635  
e-mail : [press@frontex.europa.eu](mailto:press@frontex.europa.eu)

## ANNEX I

## STANDARD AGENDA OF BRIEFING/DEBRIEFING

The 1<sup>st</sup> day of their deployment the deployed NOs/ experts shall be briefed by ICC/ LCCs. They shall be introduced in:

- Presentation of the Operational Plan and distribution of copies for those not provided in advance
- Introduction to the national and local border authorities, operational area, organizational structure and responsibilities (incl. tasks, responsibility areas on map, main statistics etc.)
- Presentation on the global/ local situation concerning illegal migration; main trends in illegal migration flow, results, analytical data, etc.
- Organizational response or how the relevant border security tasks are carried out in this organization
- Introduction of Local Coordinators, contact persons; advices on practical arrangements in the area of accommodation (Not applicable to NOs)
- General and specific roles and tasks during their deployment. Structure and essential information on the reporting flow
- Presentation of duty plan/working schedule for their deployment
- Brief practical summary about relevant national legislation for powers of border policing officers and instructions (supported by demonstration) for use of force in different situations, including self-defense (not only print-out of documents) (Not applicable to NOs)
- Working conditions and facilities in the specific operational area
- All needed contact details (local contact persons/Frontex coordinator, ICC/LCC, mobile numbers of experts currently deployed)
- Confirmation accreditation document and armband are in their possession (Not applicable to NOs)
- Any other information related to their deployment

At the end of their deployment, the NOs/ experts shall be debriefed by ICC/LCCs. Agenda for debriefing will consist of at least the following topics:

- Presentation about operational results; Organizational response or how the relevant border security tasks were carried out in this regional organization
- Instant, short evaluation of the operational phase
- Evaluation of the guest officers'/observer's performance and deployment of technical means
- Reporting system / exchange of information
- Planning and practical arrangements before/during implementation

- Transportation/storage/carry/use of weapons/special technical equipment
- Organization for transportation and departure
- Comments, suggestions

In between Briefings (1<sup>st</sup> day of their deployment)/ debriefings (Last day of their deployment), the NOs shall attend the daily JCB meeting while the experts deployed in the operational area shall take part in local daily briefings provided by LCCs (Possible participation of the LCCs to the daily JCB meetings via videoconference)

During the briefings/ debriefings, participants shall wear uniforms (if applicable). Daily JCB meeting and local daily briefing meetings/ debriefings will be attended at least by:

- The NOs and experts deployed in the ICC/ operational area

Relevant staff from the hosting law enforcement authorities involved

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### **RULES AND GUIDELINES FOR FRONTEX COORDINATED SEA OPERATIONS**

#### **Part I**

#### **Rules for sea border operations coordinated by the Agency**

1. General principles
  - 1.1. Measures taken for the purpose of the surveillance operation shall be conducted in accordance with fundamental rights and in a way that does not put at risk the safety of the persons intercepted or rescued as well as of the participating units.
  - 1.2. No person shall be disembarked in, or otherwise handed over to the authorities of, a country in contravention of the principle of non-refoulement, or from which there is a risk of expulsion or return to another country in contravention of that principle. Without prejudice to paragraph 1.1, the persons intercepted or rescued shall be informed in an appropriate way so that they can express any reasons for believing that disembarcation in the proposed place would be in breach of the principle of non-refoulement.
  - 1.3. The special needs of children, victims of trafficking, persons in need of urgent medical assistance, persons in need of international protection and other persons in a particularly vulnerable situation shall be considered throughout all the operation.
  - 1.4. Member States shall ensure that border guards participating in the surveillance operation are trained with regard to relevant provisions of human rights and refugee law, and are familiar with the international regime on search and rescue.
2. Interception
  - 2.1. Upon detection, the ship or other sea craft ("ship") shall be approached in order to observe its identity and nationality and, pending further measures, it shall be surveyed at a prudent distance. Information about the ship shall be communicated immediately to the coordination centre established in the context and for the purposes of the sea operation coordinated by the Agency.
  - 2.2. If the ship is about to enter or it has entered the contiguous zone or the territorial waters of a Member State that does not participate in the operation, information about the ship shall be communicated to the coordination centre, which will convey the information to the Member State concerned.
  - 2.3. Information about any ship suspected of being engaged in illegal activities at sea outside the scope of the operation shall be communicated to the coordination centre, which will convey the information to the Member State or Member States concerned.
  - 2.4. Measures taken in the course of the surveillance operation against ships or other sea craft with regard to which there are reasonable grounds for suspecting that they carry persons intending to circumvent the checks at border crossing points may include:
    - (a) requesting information and documentation on ownership, registration and elements relating to the voyage, and on the identity, nationality and other relevant data on persons on board;



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- (b) stopping, boarding and searching the ship, its cargo and persons on board, and questioning persons on board;
- (c) making persons on board aware that they are not authorised to cross the border and that persons directing the craft may face penalties for facilitating the voyage;
- (d) seizing the ship and apprehending persons on board;
- (e) ordering the ship to modify its course outside of or towards a destination other than the territorial waters or contiguous zone, escorting the vessel or steaming nearby until the ship is heading on such course;
- (f) conducting the ship or persons on board to a third country or otherwise handing over the ship or persons on board to the authorities of a third country;
- (g) conducting the ship or persons on board to the host Member State or to another Member State participating in the operation.

2.5. Measures referred to in paragraph 2.4 shall be taken under the following conditions:

2.5.1. Territorial waters and contiguous zone

2.5.1.1. Measures referred to in paragraph 2.4 shall be taken upon authorisation and in accordance with the instructions from the host Member State transmitted to the participating unit via the coordination centre. To that end, the participating unit shall communicate to the host Member State, via the coordination centre, whether the master of the intercepted vessel has requested that a diplomatic agent or consular officer of the flag State be notified.

2.5.1.2. Any operational activities in the territorial waters or contiguous zone of a Member State that does not participate in the operation shall be conducted in accordance with the authorization of the coastal State. The coordination centre shall be informed of any communication with the coastal State and of the subsequent course of action.

2.5.2. The High Seas beyond the contiguous zone

2.5.2.1. If the ship flies the flag or displays the marks of registry of the nationality of a Member State participating in the operation, measures referred to in paragraph 2.4 shall be taken upon authorisation of the flag State. The national official representing that Member State at the coordination centre shall be entitled to grant or to transmit such authorisation.

2.5.2.2. If the ship flies the flag or displays the marks of registry of a Member State that does not participate in the operation or of a third country, confirmation of registry shall be requested from the flag State through the appropriate channels and, if nationality is confirmed, authorisation shall be requested, in accordance with the Palermo Protocol against the smuggling of migrants, from the flag State to take the measures referred to in paragraph 2.4.

The coordination centre shall be informed of any communication with the flag State.

2.5.2.3. If, though flying a foreign flag or refusing to show its flag, there are reasonable grounds for suspecting that the ship is, in reality, of the same nationality as the participating unit, the participating unit shall proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it shall proceed to a further examination on board the ship, which must be carried out with all possible consideration. The country of which the ship is allegedly flying the flag shall be contacted through the appropriate channels.

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- 2.5.2.4. If, though flying a foreign flag or refusing to show its flag, there is reasonable ground for suspecting that the ship is, in reality, of the nationality of another Member State participating in the operation, verification of the ship's right to fly its flag shall be conducted upon authorisation of that Member State. The national official representing that Member State at the coordination centre shall be entitled to grant or to transmit such authorisation.

If, in the above cases, the suspicions regarding the nationality of the ship prove to be founded, measures referred to in paragraph 2.4 shall be taken under the conditions laid down in paragraph 2.5.2.1.

- 2.5.2.5. If there are reasonable grounds for suspecting that the ship is without nationality or may be assimilated to a ship without nationality, the participating unit shall proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it shall proceed to a further examination on board the ship, which shall be carried out with all possible consideration.

Measures referred to in paragraph 2.4 shall be taken if the suspicions that the ship is without nationality prove to be founded and that there are reasonable grounds to suspect that the ship is engaged in the smuggling of migrants by sea in accordance with the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

A ship is without nationality or may be assimilated to a ship without nationality when the ship has not been granted by any State the right to fly its flag or when it sails under the flags of two or more States, using them according to convenience.

- 2.5.2.6. Pending or in the absence of authorisation of the flag State, the ship shall be surveyed at a prudent distance. No other measures shall be taken without the express authorisation of the flag State, except those necessary to relieve imminent danger to the lives of persons as set out in section 1 of Part II or those measures which derive from relevant bilateral or multilateral agreements, or unless the ship has entered the contiguous zone.

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### **Part II**

#### **Guidelines for search and rescue situations and for disembarkation in the context of sea border operations coordinated by the Agency**

1. Search rescue situations
  - 1.1. The obligation to render assistance to the persons in distress at sea shall be carried out by Member States in accordance with the applicable provisions of international conventions governing the search and rescue situations and in accordance with requirements concerning the respect for fundamental rights. Participating units shall provide assistance to any vessel or person in distress at sea. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found.
  - 1.2. When facing in the course of the border surveillance operation a situation in which uncertainty or apprehension exists as to the safety of a ship or of any person on board, the participating unit should forward as soon as possible all available information to the Rescue Coordination Centre responsible for the search and rescue region where the situation is taking place.

In cases where the Rescue Coordination Centre of the third country responsible for the search and rescue region does not respond to the notification transmitted by the participating unit, the latter should contact the Rescue Coordination Centre of the host Member State.

While awaiting instructions from the Rescue Coordination Centre, participating units should take all the appropriate measures to ensure the safety of the persons concerned.
  - 1.3. Participating units should take all relevant elements into account and communicate their assessment to the responsible Rescue Coordination Centre, including in particular:
    - a) the existence of a request for assistance,
    - b) the seaworthiness of the ship and the likelihood that the ship will not reach its final destination,
    - c) the number of passengers in relation to the type of ship (overloading),
    - d) the availability of necessary supplies (fuel, water, food, etc.) to reach a shore,
    - e) the presence of qualified crew and command of the ship,
    - f) the availability of safety, navigation and communication equipment,
    - g) the presence of passengers in urgent need of medical assistance,
    - h) the presence of deceased passengers,
    - i) the presence of pregnant women or children,
    - j) the weather and sea conditions.
  - 1.4. The existence of an emergency should not be exclusively dependent on or determined by an actual request for assistance.

In cases where, despite a ship being perceived to be in a state of emergency, the persons on board refuse to accept assistance, the participating unit should inform the Rescue

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Coordination Centre and continue to fulfil a duty of care, taking any measure necessary to the safety of the persons concerned, while avoiding taking any action that might aggravate the situation or increase the chances of injury or loss of life.

- 1.5. The coordination centre of the operation should be informed as soon as possible of any contact with the Rescue Coordination Centre and of the course of action taken by the participating unit.
- 1.6. If the ship cannot or can no longer be considered as being in a state of emergency or the search and rescue operation has been concluded, the participating unit should, in consultation with the coordination centre of the operation, resume the operation in accordance with Part I.



## **CODE OF CONDUCT FOR ALL PERSONS PARTICIPATING IN FRONTEX ACTIVITIES**

### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1**

##### **Objectives, scope and subject matter**

1. The present Code of Conduct aims to promote professional values based on the principles of the rule of law and the respect of fundamental rights and to establish the ethical behaviour standards that guide all persons participating in Frontex activities.
2. In this regard it sets out principles and rules which guide the conduct of all persons participating in Frontex activities, namely, Frontex staff, officers of border guard services of a Member State and other staff performing any actions in a Frontex activity.

#### **Article 2**

##### **Definitions**

For the purpose of the present Code, the following definitions apply:

- a) The term “law enforcement officers” includes border guards and/or other public officials deployed from a Member State, who enjoy the prerogatives of public authority.
- b) The term “Frontex activities” means any activity coordinated or led by Frontex within the framework of its tasks as described in the Frontex Regulation, including Joint Operations, Pilot Projects, Joint Return Operations, and Trainings.
- c) The term “discrimination” means any unfair treatment or arbitrary action or distinction based on a person’s sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political



- or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.
- d) The term “harassment” means any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person. Harassment may take the form of words, gestures or actions which annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another or which create an intimidating, hostile or offensive work environment.
  - e) The term “Frontex staff” refers to the staff to whom Staff Regulations and the Conditions of Employment of Other Servants<sup>1</sup> apply and includes also seconded national experts.
  - f) The term “Member State” refers to a State participating in the relevant development of the Schengen acquis in the meaning of the Treaty on the Functioning of the European Union and its Protocol (No 19) on the Schengen acquis integrated into the framework of the European Union. As regards Joint Return Operations, the terms “home and host Member States” are understood as referring to “participating and organising Member States” respectively.
  - g) The term “participant” refers to any person participating in a Frontex activity.

## **CHAPTER II**

### **PRINCIPLES**

#### **Article 3**

#### **Lawfulness**

1. Participants in Frontex activities serve the public interest and shall comply with international law, European Union law, the national law of both home and host Member States and the present Code of Conduct.
2. They shall also meet the obligations imposed upon them by the provisions stated in the Operational/Implementation Plan, or other similar agreed rules.

<sup>1</sup> Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities (CEOS), as laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 and the amendments thereto, OJ L 56 of 4.3.1968, p. 1, as last amended.